



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D. M. Sugimura, Acting Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR OF  
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2107594

**Applicant Name:** Kohler and Associates for Pryde Corporation

**Address of Proposal:** 1408 14<sup>th</sup> Avenue

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish the use for the future construction of a mixed use building containing approximately 2,450 square feet of ground floor commercial space with 88 residential units located on five floors above. Parking for 112 vehicles will be located in a below grade parking garage. The project includes the demolition of two existing structures, approximately 18,000 cubic yards of earth movement. The total square footage of the building with the parking garage is approximately 100,200 square feet.

The following approvals are required:

Design Review - Chapter 23.41 Seattle Municipal Code (SMC)

SEPA - Environmental Determination - Chapter 25.05 SMC

**SEPA DETERMINATION:**      ☐ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS

☐ DNS with conditions

☒ DNS involving non-exempt grading or demolition, or  
involving another agency with jurisdiction.

## **BACKGROUND DATA**

### **Site Description**

The site fronts on 14th Avenue between East Madison and Union Streets. The site is zoned Neighborhood Commercial Three with a 65-foot height limit (NC3-65) as are the abutting properties. This site is approximately 14,000 square feet in size and slopes down approximately 8 feet from northeast to southwest. The site currently has two curb cuts and is occupied by a fourplex apartment and a vacant warehouse structure.

The project site is located within the Central Area Residential Urban Village. The Pike Pine Urban Center Village and the Capitol Hill Urban Center Village borders are within one block of the project site as well. Properties along 14th Avenue one block south across Union Street are zoned Lowrise Three (L3) with a thirty-foot height limit as are the properties to the east fronting along 15th Avenue. Properties along Madison Street, the primary arterials located almost one block north of the development site, are primarily in commercial use. However, many of these sites are not built to the full potential of the NC3-65 zone.



There are established commercial districts along Madison Street, and on 14th Avenue both north and south of Madison. South of E Union Street, the properties are primarily residential uses. Recently, the immediate area has seen new developments, including new mixed use and large single purpose residential uses as well as smaller scale townhouse style developments.

## **ANALYSIS - DESIGN REVIEW**

### **Early Design Guidance**

The Early Design Guidance meeting for this project was held on Wednesday, February 20, 2002. In developing the design guideline priorities listed below, the Design Review Board reviewed both the applicant's presentation materials as well as public comment on the proposal. The focus of the comments and direction of the Board for the design of the project at this meeting included:

- Providing sufficient ground floor commercial space with pedestrian detailing and design features;
- Creating a functional residential open space located away from adjacent residential uses;
- A garage entry that does not dominate the streetscape;

- Arrangement of the bulk and the mass of the building towards 14th Ave. to reinforce the urban context and away from the residential properties to the east;
- Focusing on innovative use of materials and detailing to create a strong design statement, to address bulk and scale impacts on adjacent properties and the neighborhood as a whole;
- Use of lighting, large ground floor windows and other features to ensure safety and visibility on streetscape;
- Providing landscaping to enhance the building and to screen the building from adjacent properties.

Accordingly, the following guidelines were prioritized by the Board at the Early Design Guidance meeting:

- A-2 Streetscape Compatibility
- A-3 Entrances Visible from the Street
- A-4 Human Activity
- A-5 Respect for Adjacent Sites
- A-8 Parking and Vehicle Access
- B-1 Height, Bulk and Scale Compatibility
- C-1 Architectural Context
- C-3 Human Scale
- C-4 Exterior Finish Materials
- C-5 Structured Parking Entrances
- D-1 Pedestrian Open Spaces and Entrances
- D-2 Blank Walls
- D-6 Screening of Dumpsters, Utilities and Service Areas
- D-7 Personal Safety and Security
- E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites
- E-2 Landscaping to Enhance the Building and/or Site

### Preliminary Recommendations

The Design Review Board reconvened on October 16, 2002. The focus of the meeting was to review the applicant's progress on the design development of the building in response to the Board's Early Design Guidance. At this meeting, the applicant presented a variety of graphics and plans to illustrate the design development of the project, including elevations, a site plan, details of facades and a landscape and open space plan. At this meeting, the applicant also detailed requests for Design Departures. Following Board questions and comments and input from citizens in attendance, the Board made the following findings:

- The Blank facades on the north and south facades will have substantial detrimental impacts on surrounding properties and the overall built environment, unless there is additional design detail, modulation or materials;
- The building will set a standard for future developments in the immediate area;

- The project does not provide the exceptional design quality sought by the neighborhood or the Board in their previous direction;
- While the project is not substandard, the overall design quality needs to be higher than what was presented, through additional effort in the use of materials, detailing and the development of a more coherent design statement;
- Additional setbacks on the north and south property line could create an opportunity to develop additional modulation to address problems inherent in the mass and bulk of the proposed facades directly on those respective property lines;
- The west facade of the residential portion of the building needs more design clarity as the proposal shows jumbled proportions;
- The center portion of the west façade on the residential area should have a stronger design statement equivalent to the strength of design in the articulated bays on the north and south corners on the west façade;
- The visibility of the sight triangle from the garage exist should be improved.

Accordingly, the Board again prioritized the following design guidelines found in the City of Seattle’s “Design Review: Guidelines for Multi-family and Commercial Buildings” that are of highest priority to this project. The guidance provided by the Board listed below is designed to compliment and further inform the previous guidance provided by the Board in their Early Design Guidance meeting:

- A-7 Residential Open Space
- A-8 Parking and Vehicle Access
- B-1 Height, Bulk and Scale Compatibility
- C-1 Architectural Context
- C-2 Architectural Concept and Consistency
- C-4 Exterior Finish Materials
- D-2 Blank Walls
- E-2 Landscaping to Enhance the Building and/or Site
- E-3 Landscape Design to Address Special Site Conditions

#### Design Departure Requests

The Board unanimously indicated that without further development of the facades through additional modulation, materials or other opportunities detailed above, they would not recommend approval of the departure for the additional lot coverage request. In addition, the Board indicated that further design development of the open spaces, specifically the roof top garden, would have to be prepared to decide if a recommendation in support of the Open Space Departure was appropriate.

### Recommendation Meeting

On December 18, 2002, the Board reconvened to review the progress of the design following their previous meetings. Specifically, the Board was particularly interested in reviewing the applicants response to the guidelines prioritized at their previous meeting on the following issues:

- Development of the design along the north and south property lines, to reduce the appearance of blank walls;
- Design development of all facades to improve and create a cohesive design statement;
- Further design development of the west façade to provide more street presence through simplified forms and use of materials and color;
- Improved use and placement of materials and colors;
- Further development of the open spaces to provide functional rooftop space, individual decks that meet code requirements and landscaping to screen the project from adjacent properties;
- How the requested design departures have been clarified to demonstrate how they result in a building that better meets the intent of design guidelines.

At this meeting, the applicants brought a variety of graphics, drawings and other materials to demonstrate the design development since the previous meeting, highlighting the following design changes:

- Simplification of the modulation and bays on the west façade;
- Reducing the blank walls on the north and south facades from 62 feet in depth to 25 feet in depth to reduce the perceived bulk and scale of the building;
- Changes to the modulation and massing on the east façade to reduce the appearance of bulk and scale;
- Refinement of the rooftop open space to create a series of spaces;
- An overview of material and color choices.

### Design Departures

The following design departures per SMC 23.41 were developed over the course of the applicant's presentations to the Design Review Board and during zoning review with staff:

Request	Standard	Proposal	Rationale
Reduce and modify required Open Space (SMC 23.47.024)	20% of gross floor area in residential use	14.8%	Will provide higher quality design that is designed to be used by tenants not just amount to meet standards
Reduce the required driveway width for residential	20 feet for two way traffic	18 feet	Reduces the emphasis of the driveway in a high pedestrian urban area

structures (SMC 23.54.030D)			
Reduce and modify the dimensions of the sight triangle (SMC 23.54.030G1)	10 feet dimensions on both sides of the driveway	3 feet in depth and 15 feet in length on the exit location	The modified dimension are a result of the proposed commercial spaces on both sides of the driveway and the placement of the residential entrance, in order to accentuate the commercial spaces and reduce the influence of the driveway
Increase lot coverage in residential use above 13 feet from grade (SMC 23.47.008)	64%	69.6%	Additional lot coverage provides opportunity for greater design detailing with additional bulk addressed through quality of design and detailing

### Board Recommendation

After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans, the Design Review Board members recommended **approval** of the subject design and **approval** of the requested departures with no additional conditions. In recommending these approvals, the Board cited the considerable effort in redesigning the building in response to their previous guidance, by clarifying the facades, developing increased setbacks, adding additional design details and improving the overall architectural concept.

### DECISION - DESIGN REVIEW

Based on the revisions to the plans presented at the applicant's final Design Review meeting and on further review of staff, the Director supports the recommendation of the Board for both approval of the project and the requested Design Departures. Accordingly, the proposed design is **GRANTED** with no conditions. Based on the review and concurrence of the Design Review Board for the referenced Departures, the Departures are also **GRANTED** with no conditions.

### ANALYSIS - SEPA

The initial disclosure of the potential impacts of this project was made in the environmental checklist submitted by the applicant dated August 1, 2002 and annotated by the Department. The information in the checklist, project plans, and the experience of the lead agency with review of similar projects forms the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, certain neighborhood plans and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations). Under certain limitations or circumstances (SMC 25.05.665 D 1-7), mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

### Short-Term Impacts

Demolition and construction activities could result in the following temporary or construction-related adverse impacts:

- construction dust and storm water runoff;
- erosion;
- increased traffic and demand for parking from construction equipment and personnel;
- increased noise levels;
- occasional disruption of adjacent vehicular and pedestrian traffic;
- decreased air quality due to suspended particulates from building activities and hydrocarbon emissions from construction vehicles and equipment;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted codes and/or ordinances provide mitigation for some of the identified impacts: The Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The Stormwater, Grading and Drainage Control Code regulates site excavation for foundation purposes and requires that soil erosion control techniques be initiated for the duration of construction. The Street Use Ordinance requires debris to be removed from the street right-of-way, and regulates obstruction of the pedestrian right-of-way. Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The Building Code provides for construction measures in general. Finally, the Noise Ordinance regulates the time and amount of construction noise that is permitted in the City. Compliance with these applicable codes and ordinances will reduce or eliminate most short-term impacts to the environment.

Any conditions to be enforced during construction shall be posted at each street abutting the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions shall be affixed to placards prepared by DCLU. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other waterproofing material and shall remain posted on-site for the duration of construction.

### Noise

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 a.m. and 6:00 p.m. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 5:00 p.m. and on Sundays from 10:00 a.m. to 5:00 p.m.:

1. Surveying and layout;
2. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule, thus the duration of associated noise impacts. DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours.

Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DCLU Construction Inspections.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

### Construction Parking

Construction of the project is proposed to last for several months. Numerous concerns were raised by residents through the review process concerning the effect of construction related traffic impacts on adjacent streets. On-street parking in the vicinity is limited, and the demand for parking by construction workers during construction could exacerbate the demand for on-street parking and result in an adverse impact on surrounding properties. The owner and/or responsible party shall assure that construction vehicles and equipment are parked on the subject site for the term of construction whenever possible. It is expected that all workers will be able to park on-site once the parking garage phase is completed and for the remaining duration of construction activity. To further facilitate this effort, the owner and/or responsible party shall submit a construction phase transportation plan. These conditions will be posted at the construction site for the duration of construction activity. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA ordinance.



### Long-Term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: the Stormwater, Grading and Drainage Control Code which requires on-site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts; however, due to the size and location of this proposal, potential impacts warrant further analysis.

Section 25.05.675 of the Municipal Code states that the following projects may be conditioned or denied to mitigate their adverse drainage impacts: projects located in environmental critical areas and areas tributary to them; projects located in areas where downstream drainage facilities are known to be inadequate; and projects draining into streams identified by the State Department of Fisheries as bearing anadromous fish. None of these applies to the subject property. All of the proposed drainage facilities must be designed in compliance with the current City of Seattle drainage codes. Therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Historic Preservation

The site is marked with two existing structures. One of the structures is a residential structure originally designed as a single family home but has been remodeled into a multi-family dwelling. The other structure is a one-story commercial structure. Due to the age of the structures, a referral was made to the Department of Neighborhoods under the City's SEPA Ordinance in SMC 25.05.675H. The referral to the Department of Neighborhoods Historic Preservation Officer included photographs and documentation to determine if any of the structures should be nominated as potential landmarks. Following review of materials prepared by the applicant's representative, Mimi Sheridan of Sheridan Consulting dated December, 2002, the Department of Neighborhoods determined that none of the structures were eligible for further consideration as a landmark as documented in a January 10, 2003 Memorandum from Department of Neighborhood Staff. Accordingly, no further mitigation or conditioning is warranted.

## **DECISION - STATE ENVIRONMENTAL POLICY ACT**

The proposed action is **APPROVED WITH CONDITIONS.**

### **CONDITIONS**

#### *Prior to issuance of any Construction or Grading Permits*

1. The owner(s) and/or responsible party(s) shall secure DCLU Land Use Division approval of construction phase transportation and pedestrian circulation plans. Appropriate SDOT and King County METRO participation in development of the plans shall be documented prior to DCLU Land Use Division approval. The plans shall address the following:
  - Ingress/egress of construction equipment and trucks;
  - Truck access routes, to and from the site, for the excavation and construction phases;
  - Street and sidewalk closures;
  - Potential temporary displacement/relocation of any nearby bus stops.

#### *Construction Conditions*

1. Parking for construction workers shall be provided on-site as soon as the garage is completed.
2. In addition to any traffic enforcement personnel required by other City Ordinances, a separate full-time traffic control person shall be employed by the project developer to ensure continuous and smooth traffic movement along 14<sup>th</sup> Ave. Duties shall include, but not be limited to flagging and/or hand-directing cement trucks and the delivery of construction materials by truck in an efficient manner that does not disrupt the flow of traffic for long periods of time. Duties shall include ensuring sidewalks or walkways delineated by cones, ropes, mesh fencing or other methods are provided for pedestrians. A traffic control person shall remain actively engaged directing traffic all hours that construction occurs for the duration of the project.
3. In addition to meeting requirements of the City's Noise Ordinance, only low noise impact work such as that listed below, shall be permitted on Saturdays from 9:00 a.m. to 5:00 p.m. and on Sundays from 10:00 a.m. to 5:00 p.m.:
  - Surveying and layout;
  - Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. DCLU recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction time frame if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case-by-case basis by approval of the Land Use Planner prior to each occurrence. Periodic monitoring of work activity and noise levels will be conducted by DCLU Construction Inspections.

Signature: (signature on file) Date: February 6, 2003  
Michael Jenkins, Land Use Planner  
Department of Design, Construction and Land Use  
Land Use Services

MJ:vr

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